

ESTTA Tracking number: **ESTTA492101**

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

### Petitioner Information

Name	Zylera Pharmaceuticals LLC		
Entity	Corporation	Citizenship	North Carolina
Address	2530 Meridian Parkway Research Triangle Park, NC 27713 UNITED STATES		

Attorney information	Rodrick J. Enns Enns & Archer LLP 939 Burke Street Winston-Salem, NC 27101 UNITED STATES renns@ennsandarcher.com Phone:3367235180
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### Registration Subject to Cancellation

Registration No	1261438	Registration date	12/20/1983
Registrant	Johnson & Johnson One Johnson & Johnson Plaza New Brunswick, NJ 08933 UNITED STATES		

### Goods/Services Subject to Cancellation

Class 005. First Use: 1975/02/00 First Use In Commerce: 1975/02/00  
All goods and services in the class are cancelled, namely: Anthelmintic for Human Use

### Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	Petition for Cancellation.pdf ( 3 pages )(11016 bytes )
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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Rodrick J. Enns/
Name	Rodrick J. Enns
Date	08/31/2012

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

ZYLERA PHARMACEUTICALS LLC,

Petitioner,

v.

JOHNSON & JOHNSON  
CORPORATION,

Registrant.

**Cancellation No.** \_\_\_\_\_

**Registration No. 1,261,438**

**Registration Date: December 20, 1983**

**PETITION FOR CANCELLATION**

Petitioner Zylera Pharmaceuticals LLC, a limited liability company duly organized under the laws of the State of North Carolina, and having its principal place of business at 2530 Meridian Parkway, Research Triangle Park, North Carolina 27713, believes that it is or will be damaged by the above-identified registration, and hereby petitions to cancel the same.

The grounds for cancellation are as follows:

1. Registrant Johnson & Johnson Corporation is the owner of record of Registration No. 1,261,438 for the mark VERMOX for “Anthelmintic for Human Use” in International Class 5, which issued December 20, 1983, claiming a date of first use in February 1975.
2. Registrant has ceased any use in commerce of the mark VERMOX on or in connection with anthelmintics for human use or any related goods for more than three years, and upon information and belief has no genuine intent to resume such use.
3. Registrant has therefore abandoned the mark VERMOX.
4. Petitioner is a specialty pharmaceutical company that markets and sells in the United States prescription pharmaceutical products to treat various conditions.
5. Petitioner has a bona fide intention to use the mark VERMOX on and in connection with goods that are identical or related to those identified in Registrant’s registration.

6. Petitioner has a bona fide intention to file an application to register the mark VERMOX, and reasonably believes that such application will be refused on grounds of likelihood of confusion with Registrant's mark as shown in Registration No. 1,261,438, unless that registration is cancelled.

WHEREFORE, Petitioner prays that Registration No. 1,261,438 be cancelled and that this Petition for Cancellation be sustained in favor of Petitioner.

Please direct all correspondence to Rodrick J. Enns and Julia C. Archer at Enns & Archer LLP, 939 Burke Street, Winston-Salem, NC 27101, 336-723-5180, renns@ennsandarcher.com, jarcher@ennsandarcher.com.

Please charge the fee for this Petition in the amount of \$300, and any other appropriate fees, to Deposit Account No. 501779.

Respectfully submitted via ESTTA, this the 31<sup>st</sup> day of August, 2012.

ENNS & ARCHER LLP

/Rodrick J. Enns/

Rodrick J. Enns

Julia C. Archer

Attorneys for Petitioner Zylera  
Pharmaceuticals LLC

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renns@ennsandarcher.com  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this date I served the foregoing PETITION FOR CANCELLATION upon Registrant at the correspondence address of record in the United States Patent and Trademark Office by depositing a copy thereof in the United States mail, first class, postage prepaid and addressed to:

Richard F. Biribauer  
Johnson & Johnson  
One Johnson & Johnson Plaza  
New Brunswick, NJ 08933-7001

This the 31<sup>st</sup> day of August, 2012.

/Rodrick J. Enns/  
Rodrick J. Enns

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